

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

November 24, 2015

Ms. Linda Dreeben
National Labor Relations Board
Appellate & Supreme Court Litigation Branch
1015 Half Street, S.E.
Suite 4163
Washington, DC 20570

No. 13-60006 Open Door Retail Group, Inc. v. NLRB
Agency No. 16-CA-028083

Dear Ms. Dreeben,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

 Shea E. Pertuit

By: _____
Shea E. Pertuit, Deputy Clerk
504-310-7666

cc w/encl:
Ms. Martha Elaine Kinard
Mr. David Hitoshi Mori

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 13-60006



NATIONAL LABOR RELATIONS BOARD,

Petitioner

v.

OPEN DOOR RETAIL GROUP, INCORPORATED,

Respondent

A True Copy

Certified order issued Nov 24, 2015

Styl W. Cayce

Clerk, U.S. Court of Appeals, Fifth Circuit

Petition for Review of an Order of the
National Labor Relations Board

Before HIGGINBOTHAM, OWEN, and SOUTHWICK, Circuit Judges.

PER CURIAM:

CONSENT ORDER

The National Labor Relations Board (the "Board") and Open Door Retail Group, Inc. (Respondent), have entered into a stipulation for the entry of this Consent Order. It is hereby

1. **ORDERED** that the stipulation filed November 6, 2015, is approved.

2. **IT IS FURTHER ORDERED** that Respondent, its officers, agents, successors, and assigns shall: (a) fully comply with this Consent Order and the judgment entered by this Court against Respondent on February 27, 2013, and not in any way, by action or inaction, engage in, induce, encourage, permit or condone any violation of said order or judgment; (b) refrain from discharging or otherwise discriminating against employees because they engaged in concerted activities for the purposes of mutual aid and protection and to discourage employees from engaging in concerted activities; and (c) in any like or related manner refrain from interfering with, restraining, or coercing employees in the rights guaranteed them by Section 7 of the National Labor Relations Act, 29 U.S.C. § 157,

3. **IT IS FURTHER ORDERED** that, within 10 days of entry of this Consent Order, Respondent shall make Vanda Jordan, who has waived her right to reinstatement to her former job or to a substantially equivalent position, whole for any loss of earnings and other benefits suffered as a result of the discrimination against her by paying her the total amount of \$17,766.00.

4. **IT IS FURTHER ORDERED** that within 10 days of the entry of this Consent Order, Respondent shall remove from its files any reference to the unlawful discharge of Vanda Jordan and, within 4 days thereafter, notify her in writing that this has been done and that the unlawful discharge will not be used against her in any way.

5. **IT IS FURTHER ORDERED** that within 10 days of receipt of a Notice to Employees prepared by the Board, Respondent shall post copies of the notice at all of its retail facilities in conspicuous places, including all places where notices to employees are customarily posted, and maintain said posting for a period of sixty (60) consecutive days. The notices shall be signed by Ron Larson and be maintained in clearly legible condition throughout the 60-day posting period. Respondent shall further insure that the posted notices are not altered, defaced or covered by any other material. Respondent shall provide the Board's regional office (Region 15) in Houston, Texas, with a copy of the signed notice, along with a certification of the posting dates and locations, and give the Board's agents unrestricted access at their discretion to the verify that the notices have been posted.

6. In order to assure against further violations of this Consent Order, this Court **HEREBY IMPOSES** against Respondent a prospective

fine of \$2,500.00 for each and every future violation of this Consent Order, and a further fine of \$250.00 per day for each day the Court finds the violations have continued; and imposes a prospective fine of \$500.00 per violation, and a further fine of \$100.00 for each day the Court finds the violations have continued, against any officers or agents of Respondent and others who, in active concert and participation with the Respondent and with notice and knowledge of this Consent Order or the Court's judgment of February 27, 2013, violates said order or judgment, said fines not to be reimbursed by Respondent. The fines may only be imposed as a result of the Board instituting a new civil contempt proceeding in this Court, in which the Board shall be required to establish its allegations by clear and convincing evidence.

7. This Order shall not preclude the Board from requesting such other remedies as it deems appropriate to remedy any future contumacious conduct.